



Department of Defense DIRECTIVE

NUMBER 5515.9

April 19, 2004

GC, DoD

SUBJECT: Settlement of Tort Claims

References: (a) DoD Directive 5515.9, "Settlement of Tort Claims,"
September 12, 1990 (hereby canceled)
(b) Sections 1346(b), 2671-2680 of title 28, United States Code
(c) Section 113 of title 10, United States Code

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a).

1.2. Establishes policy for the administrative processing and, where appropriate, the settlement of claims filed under reference (b) against the DoD Components other than the Military Departments.

1.3. Delegates authority, pursuant to reference (c), to the Secretary of the Army to process and, where appropriate, settle claims under this Directive.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. POLICY

It is DoD policy that:

3.1. Claims filed under reference (b) arising from the acts or omissions of civilian personnel of the DoD Components other than the Military Departments shall be processed and, if appropriate, administratively settled pursuant to this Directive.

3.2. DoD personnel shall cooperate in the processing of claims under this Directive, including providing such assistance as the DoD Component processing the claims reasonably requests.

4. RESPONSIBILITIES

4.1. The General Counsel of the Department of Defense shall issue DoD Instructions and other guidance to implement this Directive as appropriate.

4.2. The Heads of the DoD Components (other than the Departments of the Air Force and the Navy), when personnel of their components are involved in incidents generating claims under this Directive, shall, upon the request of the Secretary of the Army, assist in the investigation and processing of such claims in accordance with regulations promulgated by the Secretary of the Army. The Secretary of the Army may designate the DoD Components providing such assistance as "claims processing offices" and attorneys or other personnel of the DoD Components providing such assistance as "claims officers."


4.3. The Secretary of the Army shall, under reference (c) and on behalf of the Secretary of Defense:

4.3.1. Process and, where appropriate, settle claims that are filed under reference (b) and arise out of the acts or omissions of civilian personnel of the DoD Components other than the Military Departments who, as determined by the Secretary of the Army, are acting within the scope of their official duties.

4.3.2. May re-delegate the responsibility assigned by paragraphs 4.2. and 4.3.1.above, to personnel of the Department of the Army who are authorized under the regulations promulgated by the Secretary of the Army to settle claims under reference (b) against the Department of the Army.

5. EFFECTIVE DATE

This Directive is effective immediately.



Paul Wolfowitz
Deputy Secretary of Defense